

#14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mary K. Toth et al. Examiner: Reginald Alexander
Serial No.: 09/483,039 Group Art Unit: 1761
Filed: January 18, 2000 Docket No.: 5212USA (G180.122.101)
Title: ATTACHABLE SNACK FOOD CONTAINER

**RULE 1.47(a) PETITION TO SUBMIT DECLARATION BY
OTHER THAN ALL INVENTORS**

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

APR 3 0 2003

OFFICE OF PETITIONS

Dear Sir/Madam:

Pursuant to 37 C.F.R. 1.47(a) this Petition requests that Arne Brauner, available joint inventor, be permitted to execute a Declaration under 37 C.F.R. 1.131 on his behalf and on behalf of an unavailable joint inventor in support of the above-identified application. The name of the unavailable inventor and her last known address are as follows:

Mary K. Toth
8182 Lawndale Lane North
Maple Grove, MN 55311

Accompanying this Petition is a Statement of Facts in Support of the unavailability of the above inventor and the Petition Fee of \$130.00 as set forth under 37 C.F.R. 1.17(h). However, if additional fees or credits should exist, please charge or credit Deposit Account 500471 in the appropriate amount.

The below-signed attorney, Timothy A. Czaja, is a patent attorney employed by the firm of Dicke, Billig & Czaja, P.L.L.C. , and representing General Mills, Inc., the assignee of the above-identified application, herewith.

04/29/2003 TT0812 00000050 09483039 130.00 0P
01 FC:1460

RULE 1.47(a) PETITION TO SUBMIT DECLARATION BY OTHER THAN ALL INVENTORS

Applicant: Mary K. Toth et al.

Serial No.: 09/489,039

Filed: January 18, 2000

Docket No.: 5212USA (G180.122.101)

Title: ATTACHABLE SNACK FOOD CONTAINER

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this Petition.

Respectfully submitted,

Arne Brauner,

By his attorneys,

DICKE, BILLIG & CZAJA, P.A.

Fifth Street Towers

100 South Fifth Street, Suite 2250

Minneapolis, MN 55402

Telephone: (612) 573-2004

Facsimile: (612) 573-2005

RECEIVED

APR 3 02003

OFFICE OF PETITIONS

Date: APRIL 22, 2003
TAC:jms

Timothy A. Czaja
Timothy A. Czaja
Reg. No. 39,649

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Assistant Commissioner for Patents, Washington, D.C., 20231 on this 22nd day of April, 2003.

By Timothy A. Czaja
Name: Timothy A. Czaja

14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 28 2003
PATENT & TRADEMARK OFFICE

Applicant: Mary K. Toth et al. Examiner: Reginald Alexander
Serial No.: 09/483,039 Group Art Unit: 1761
Filed: January 18, 2000 Docket No.: 5212USA (G180.122.101)
Title: ATTACHABLE SNACK FOOD CONTAINER

**STATEMENT OF FACTS IN SUPPORT OF THE UNAVAILABILITY OF
AN INVENTOR UNDER 37 C.F.R. 1.47(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

APR 30 2003

Dear Sir/Madam:

OFFICE OF PETITIONS

This Statement is made as to the facts that are relied upon to establish the diligent efforts to secure the execution of the Declaration under 37 C.F.R. 1.131 by one of the joint inventors, Mary K. Toth, for the above-identified patent application. The facts relied upon are as follows:

1. Mary K. Toth is a named co-inventor of the subject matter described and claimed in the above-identified U.S. Patent Application Serial No. 09/483,039, filed January 18, 2000.

2. Ms. Toth is a former employee of General Mills, Inc., assignee of the pending application. The last known address and phone number for Ms. Toth is 8182 Lawndale Lane North, Maple Grove, Minnesota 55311 and 763-494-0746. The last available phone number for Ms. Toth is no longer in service as evident by calling the above identified phone number and as evident by Exhibit A attached herewith. Exhibit A is a printout of the internet search of phone number 763-494-0746.

3. Upon her departure in the spring of 2002 from General Mills, Inc., Ms. Toth was asked to keep the company informed of any new address and agreed to assist in the continued prosecution of any pending applications. However, as shown by Exhibit B, the contact information of record at General Mills, Inc. is identical to that provided in paragraph 2 above. Exhibit B is a printout of a series of emails indicating that the information of General Mills, Inc. regarding contact information for Ms. Toth. Ms. Toth has not contacted General Mills, Inc. to update her contact information.

Statement of Facts in Support of the Unavailability of an Inventor Under 37 C.F.R. 1.47(a)

Applicant: Mary K. Toth et al.

Serial No.: 09/483,039

Filed: January 18, 2000

Docket No.: 5212USA (G180.122.101)

Title: ATTACHABLE SNACK FOOD CONTAINER

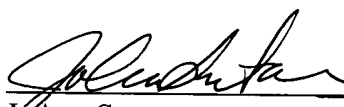
4. An internet search for "M K Toth," the format under which her former phone number was registered, revealed a "M K Toth" in Salt Lake City, Utah with a corresponding phone number of 801-488-4664, as evident by Exhibit C, a printout of the corresponding internet search. Numerous phone calls have been made to 801-488-4664. Each phone call to 801-488-4664 has resulted in no answer and no answering machine has been reached.

5. Mary K. Toth is unavailable following the diligent efforts to locate her as described in the facts recited in paragraphs 2-4 above.

6. This statement is made with first-hand knowledge of the facts recited above.

7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

April 17, 2003
Dated


JoAnn Seaton
Law Clerk
DICKE, BILLIG, & CZAJA, P.L.L.C
Fifth Street Towers
100 South Fifth Street, Suite 2250
Minneapolis, MN 55402
Telephone: (612) 573-0668
Facsimile: (612) -573-2005

RECEIVED

APR 30 2003

OFFICE OF PETITIONS